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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD
SESSION OF THE COMMISSION

Draft report of the Commission

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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1997/26. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992, 1993/35 of 5 March 1993, 1994/39 of 5 March 1994, 1995/38 of 3 March 1995 and 1996/30 of 19 April 1996,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 49/193 of 23 December 1994 and 51/94 of 12 December 1996,

Deeply concerned, in particular, by the intensification of enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling its resolution 1995/75 of 8 March 1995 on cooperation with the representatives of United Nations human rights organs,

1. Takes note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

2. Reminds the Working Group:

(a) That its primary role is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) That in its humanitarian task it must observe United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

(c) That it should continue to consider the question of impunity in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

(d) That it should pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and cooperate closely with the Governments concerned in searching for and identifying these children;

(e) That it must apply gender perspective in its reporting process, including in information collection and formulation of recommendations;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) To invite the Working Group to visit their countries so as to enable it to fulfil its mandate even more effectively;

(e) To take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

(f) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set in train with the families of those individuals appropriate settlement machinery;

5. Reminds Governments:

(a) Of the need to ensure that their competent authorities proceed in reasonable time to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(b) That, if such belief is borne out, the perpetrators must be prosecuted, and that all acts of enforced disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

6. Expresses:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearances which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. Invites:

(a) States to take legislative, administrative, legal and other steps to implement the principles of the Declaration on the Protection of All Persons from Enforced Disappearance;

(b) All Governments in this connection to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance;

(c) States to provide, as some have already done, concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

8. Takes note:

(a) Of the activities of non-governmental organizations in support of the implementation of the Declaration, and invites them to continue to facilitate its dissemination;

(b) Of the cooperation provided to the Working Group by non-governmental organizations;

9. Requests the Working Group to report on its activities to the Commission at its fifty-fourth session and to continue to discharge its mandate discreetly and conscientiously;

10. Requests the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

(b) To keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Decides to consider this matter at its fifty-fourth session under the same agenda item.

57th meeting

11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/27. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals, and that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Mindful further of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Taking note of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995, which are annexed to the report submitted by the Special Rapporteur to the Commission at its fifty-second session on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1996/39),

Considering the promotion and protection of the rights to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the rights to peaceful assembly and association, to be essential to popular participation in decision-making processes and to the realization of all the rights set forth in international human rights instruments and to be interrelated with, and to enhance, the exercise of these human rights,

Considering also that a deterioration in the right to exercise freedom of expression could be indicative of a further weakening in the protection and enjoyment of human rights in a country,

Reaffirming the interrelation and interdependence between the exercise of freedom of opinion and expression and the full enjoyment of the freedom to seek, receive and impart information and the importance of a free flow and wider dissemination of information to and from developing countries,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Reaffirming that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person,

Recalling its resolution 1996/53 of 19 April 1996, in which it decided to renew the mandate of the Special Rapporteur for a further three years,

Deeply concerned at numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation against, professionals in the field of

information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors, and, in this context, taking note of all other resolutions of the Commission on Human Rights that address the question of the full enjoyment and exercise by everyone of the right to freedom of opinion and expression,

Taking note of the need to raise awareness about the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and of the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression and the effective enjoyment of that right, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;
2. Takes note of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1997/31 and Add.1) and of the comments and analysis contained therein, including that the right to freedom of opinion and expression is a prerequisite to ensuring public participation in decision-making processes;
3. Expresses its concern at the continuing problem of the inadequate resources, both human and material, provided to the Special Rapporteur and accordingly reiterates its request to the Secretary-General to provide all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;
4. Requests the Secretary-General to consider ways of publicizing, including through the information website operated by the Centre for Human Rights and within the framework of the United Nations Decade for Human Rights Education, the work of the Special Rapporteur, as well as recommendations made by him;
5. Expresses its concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment,

including through the abuse of legal provisions on criminal libel, of, and threats, acts of violence and discrimination directed at, persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs, and concerned in particular at such treatment of professionals in the field of information, including journalists, editors, writers, authors, translators, publishers, broadcasters, printers and distributors as well as persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend these rights and freedoms, including legal professionals and others who represent persons exercising those rights;

6. Also expresses its concern at the number of cases in which the violations referred to in paragraph 6 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration, and too vague a definition of offences against State security;

7. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

8. Appeals to all States:

(a) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as

employment, housing and social services, and in this context to pay particular attention to the situation of women;

(c) To cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

9. Invites once again the working groups, representatives and special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

10. Invites the working groups, representatives and special rapporteurs of the Commission on Human Rights, within their mandates, to take note of any deterioration in the right to freedom of expression;

11. Invites relevant United Nations bodies, mechanisms and procedures of the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women and independent expert bodies, within their mandates, further to examine violations of the right to freedom of opinion and expression from a gender perspective, in cooperation with the Commission on the Status of Women;

12. Invites the Special Rapporteur, within the framework of his mandate:

(a) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

(b) In cooperation with the Special Rapporteur on violence against women, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability

of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

(c) To continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights;

(d) To develop further his commentary on the right to seek and receive information and to expand on his observations and recommendations arising from communications;

(e) To continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(f) To consider, in his next report, all aspects of the impact that the availability of new information technology may have on the equal opportunity of access to information and on the exercise of the right to freedom of expression as set out in the International Covenant on Civil and Political Rights;

13. Requests the Special Rapporteur to submit to the Commission at its fifty-fourth session a report covering the activities relating to his mandate and decides to continue its consideration of this question at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/28. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence

of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the pertinent Security Council resolutions condemning all cases of hostage-taking, as well as the statement of the press made by its President on 19 December 1996, condemning the taking of hostages by terrorist elements,

Recalling its resolution 1996/62 and other previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as hostage,

Deeply concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, have increased in many regions of the world,

Expressing its outrage at the continuing manifestations of brutality and violence in connection with hostage-taking, including the killing of innocent people and their use as human shields,

Especially alarmed at the taking hostage of women and children, expressing its distress at the violence committed against innocent victims, and sharing the anxiety and suffering of the families concerned,

Appealing for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected, in accordance with the Geneva Conventions of 1949 and its Additional Protocols,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstance, unjustifiable;
2. Strongly condemns all acts of hostage-taking, anywhere in the world;
3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Invites relevant non-governmental organizations to join States in condemning acts of hostage-taking;

6. Urges all thematic special rapporteurs and working groups to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

7. Decides to consider this question at its fifty-fourth session under the same agenda item.

57th meeting

11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/29. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies and adopted legislation for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights and fundamental freedoms, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose,

Recalling also its resolution 1996/35 of 19 April 1996 in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation,

Taking note of the report of the Secretary-General (E/CN.4/1997/29) submitted to the Commission in compliance with its resolution 1996/35,

Also taking note of resolution 1996/28 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which it decided to bring to the attention of the Commission on Human Rights the revised text of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law prepared by the former Special Rapporteur Mr. Theo van Boven,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with resolution 1996/35, for their valuable contribution in this field and requests those that have not yet done so to provide information to the Secretary-General as soon as possible on the legislation already adopted as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

3. Expresses its appreciation to the Secretary-General for his report (E/CN.4/1997/29) and requests him to prepare an additional report on the basis of the replies he receives from States for submission to the Commission on Human Rights at its fifty-fifth session;

4. Invites the Secretary-General to request all States to submit their views and comments on the note and revised text of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law contained in

document E/CN.4/1997/104, and to prepare a report setting out such views and comments for submission to the Commission on Human Rights at its fifty-fourth session.

5. Decides to continue to examine this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting

11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/30. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered,

Recalling also the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and chapter 26 of Agenda 21,

Recalling further that the programme of activities for the International Decade of the World's Indigenous People adopted by the General Assembly in its resolution 50/157 recognizes among the important objectives of the Decade that consideration should be given to the establishment of a permanent forum for indigenous people in the United Nations system,

Bearing in mind its previous resolutions 1994/28 of 4 March 1994, 1995/30 of 3 March 1995 and 1996/41 of 19 April 1996, as well as General Assembly resolutions 49/214 of 23 December 1994, 50/157 of 21 December 1995 and 51/78 of 12 December 1996,

1. Welcomes the Secretary-General's review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493);

2. Takes note of the recommendation of the General Assembly in Assembly resolution 50/157 that the Commission on Human Rights, drawing on the

results of the Copenhagen workshop (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3) and the Secretary-General's review, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people;

3. Welcomes the offer of the Government of Chile to host such a workshop;

4. Requests the High Commissioner/Centre for Human Rights to convene the second workshop for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations, in accordance with established United Nations practice and with the participation of representatives of Governments, organizations of indigenous people, non-governmental organizations and United Nations bodies, organizations and specialized agencies and with, inter alia, the results of the Copenhagen workshop and the Secretary-General's review as the basis for discussions;

5. Recognizes the importance, in the light of the Secretary-General's review, of the participation of relevant United Nations bodies, organizations and specialized agencies as well as representatives of organizations of indigenous people in the workshop and in any further consultations on the matter;

6. Takes note of the decision of the Coordinator of the International Decade of the World's Indigenous People to contribute to the holding of the second workshop through a contribution from the Voluntary Fund for the International Decade, in line with the recommendation of the Advisory Group for the Voluntary Fund at its April 1996 meeting;

7. Requests the High Commissioner/Centre for Human Rights to transmit the report of the workshop to the Working Group on Indigenous Populations at its fifteenth session, inviting the Working Group to express its views, and to submit the report, together with any comments arising from the discussions at the Working Group, to the Commission on Human Rights at its fifty-fourth session;

8. Also requests the High Commissioner/Centre for Human Rights to transmit the report of the workshop to Governments, relevant United Nations bodies, organizations and specialized agencies, and indigenous organizations for their comments, and to submit the comments received in a report to the Commission at its fifty-fourth session;

9. Decides to continue its consideration of this matter at its fifty-fourth session under the agenda item entitled "Indigenous issues".

57th meeting

11 April 1997

[Adopted without a vote. See chap. XXIV.]

1997/31. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1997/102), and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedure proposed in the annex to Commission on Human Rights resolution 1995/32 of 3 March 1995;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-fourth session of the Commission on Human Rights, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission on Human Rights at its fifty-fourth session under the agenda item entitled "Indigenous Issues";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Taking note of Commission on Human Rights resolution 1997/31 of 11 April 1997,

"1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 to meet for a period of 10 working days prior to the fifty-fourth session of the Commission, the costs of the meeting to be met from within existing resources;

"2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings."

57th meeting
11 April 1997

[Adopted without a vote. See chap. XXIV.]

1997/32. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms, determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people, and bearing in mind that international standards must be developed on the basis of the diverse situations and aspirations of the world's indigenous people,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international

community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

I

Report on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Takes note of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41) and of the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the World's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions;

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-ninth session of the Sub-Commission;

5. Invites the Working Group to continue its consideration as to whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced, and encourages all the initiatives that can be taken by Governments, organizations of indigenous

people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Takes note of paragraph 6 of Sub-Commission resolution 1996/31 regarding the working paper on the concept of indigenous people prepared by the Chairperson-Rapporteur of the Working Group (E/CN.4/AC.4/1996/2);

7. Requests the Secretary-General:

(a) To give adequate resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

8. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II

International Decade of the World's Indigenous People

9. Takes note of the report of the High Commissioner for Human Rights (E/CN.4/1997/101);

10. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the International Decade of the World's Indigenous People, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

11. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people within the United Nations;

12. Recommends that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the Decade;

13. Requests the High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights

Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies;

14. Requests the High Commissioner for Human Rights, noting the request by the General Assembly to the Secretary-General to produce an annual report reviewing activities within the United Nations system under the programme of activities for the Decade, to submit an update of this report to the Commission on Human Rights at its fifty-fourth session under the agenda item entitled "Indigenous issues";

15. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

16. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the Decade;

17. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

18. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

19. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

20. Recommends that the United Nations High Commissioner for Human Rights, when developing programmes within the framework of the International Decade for the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. Encourages the United Nations High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. Invites the United Nations financial and developmental institutions, operational programmes and specialized agencies, in accordance with the existing procedures of their governing bodies;

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including by the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights/Centre for Human Rights of activities relating to the Decade;

23. Decides to consider the International Decade of the World's Indigenous People at its fifty-fourth session under the agenda item entitled "Indigenous issues".

57th meeting

11 April 1997

[Adopted without a vote. See chap. XXIV.]

1997/33. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolution 1996/43 of 19 April 1996 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Emphasizing, in view of the continuing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Welcoming the report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37), which presents the outcome of the Consultation, including the Guidelines recommended by the expert participants for States on the protection and promotion of fundamental rights and freedoms in the context of HIV/AIDS, and strategies for their dissemination and implementation,

1. Invites all States to consider the Guidelines recommended by the experts who participated in the Second International Consultation on HIV/AIDS and Human Rights, as contained in document E/CN.4/1997/37 and summarized in the annex to the present resolution;

2. Calls upon the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS), its co-sponsors and other partners to provide technical cooperation to States, upon the request of Governments when required, from within existing resources, with regard to the promotion and protection of human rights in the context of HIV/AIDS;

3. Requests the Secretary-General to solicit the opinion of Governments, specialized agencies, and international and non-governmental organizations and to prepare for consideration of the Commission at its fifty-fifth session a progress report on the follow-up to the present resolution.

Annex

Guideline 1: States should establish an effective national framework for their response to HIV/AIDS which ensures a coordinated, participatory,

transparent and accountable approach, integrating HIV/AIDS policy and programme responsibilities across all branches of government.

Guideline 2: States should ensure, through political and financial support, that community consultation occurs in all phases of HIV/AIDS policy design, programme implementation and evaluation and that community organizations are enabled to carry out their activities, including in the field of ethics, law and human rights, effectively.

Guideline 3: States should review and reform public health laws to ensure that they adequately address public health issues raised by HIV/AIDS, that their provisions applicable to casually transmitted diseases are not inappropriately applied to HIV/AIDS and that they are consistent with international human rights obligations.

Guideline 4: States should review and reform criminal laws and correctional systems to ensure that they are consistent with international human rights obligations and are not misused in the context of HIV/AIDS or targeted against vulnerable groups.

Guideline 5: States should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups, people living with HIV/AIDS and people with disabilities from discrimination in both the public and private sectors, ensure privacy and confidentiality and ethics in research involving human subjects, emphasize education and conciliation, and provide for speedy and effective administrative and civil remedies.

Guideline 6: States should enact legislation to provide for the regulation of HIV-related goods, services and information, so as to ensure widespread availability of qualitative prevention measures and services, adequate HIV prevention and care information and safe and effective medication at an affordable price.

Guideline 7: States should implement and support legal support services that will educate people affected by HIV/AIDS about their rights, provide free legal services to enforce those rights, develop expertise on HIV-related legal issues and utilize means of protection in addition to the courts, such as offices of ministries of justice, ombudspersons, health complaint units and human rights commissions.

Guideline 8: States, in collaboration with and through the community, should promote a supportive and enabling environment for women, children and

other vulnerable groups by addressing underlying prejudices and inequalities through community dialogue, specially designed social and health services and support to community groups.

Guideline 9: States should promote the wide and ongoing distribution of creative education, training and media programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS to understanding and acceptance.

Guideline 10: States should ensure that government and private sectors develop codes of conduct regarding HIV/AIDS issues that translate human rights principles into codes of professional responsibility and practice, with accompanying mechanisms to implement and enforce these codes.

Guideline 11: States should ensure monitoring and enforcement mechanisms to guarantee the protection of HIV-related human rights, including those of people living with HIV/AIDS, their families and communities.

Guideline 12: States should cooperate through all relevant programmes and agencies of the United Nations system, including UNAIDS, to share knowledge and experience concerning HIV-related human rights issues and should ensure effective mechanisms to protect human rights in the context of HIV/AIDS at the international level.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/34. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 which reiterated, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions of the Assembly concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1995/46 of 3 March 1995,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights,

Supporting the efforts made by the United Nations, the specialized agencies and the regional intergovernmental organizations in order to promote and protect human rights at the regional level,

Noting the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights on the one hand and the intergovernmental regional organizations on the other in order to promote the mutual exchange of information and the conclusion of regional arrangements for the promotion and the protection of human rights,

Having considered the report of the Secretary-General (E/CN.4/1997/35)

1. Takes note of the report of the Secretary-General;
2. Welcomes the continuing cooperation and assistance of the United Nations High Commissioner for Human Rights/Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights;

3. Also welcomes, in that respect, the close cooperation of the High Commissioner/Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and a regional conference of national human rights institutions, aimed at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection

of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. Stresses the importance of the programme of advisory services in the field of human rights and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with several Governments of the Asian and Pacific region;

5. Requests the Secretary-General, as foreseen in programme 35, Promotion and protection of human rights, of the Medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

6. Welcomes the growing exchanges between the High Commissioner/Centre for Human Rights and several regional intergovernmental organizations as well as between the bodies created by the United Nations in accordance with the treaties dealing with human rights and the regional mechanisms for protection of human rights;

7. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

8. Requests the High Commissioner/Centre for Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations;

9. Invites the Secretary-General, in the framework of the report he will present to the General Assembly at its fifty-third session, to provide information about the progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the protection and promotion of human rights;

10. Requests the Secretary-General to submit to it at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

11. Decides to consider this question further at its fifty-fifth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/35. Preparations for the fiftieth anniversary of the
Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Universal Declaration provides an opportunity for the United Nations and Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of the subsequent progress in the field of human rights, and taking note of the improvements in the field of human rights during the past five decades owing to national and international solidarity and efforts,

Concerned that the international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights,

Convinced of the necessity of respecting human rights and fundamental freedoms and determined that new steps should be taken, nationally and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance and the message of the Vienna Declaration and Programme of Action which emphasizes that all human rights are universal, indivisible, interdependent and interrelated, and that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Stressing the importance of ensuring the full integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism, and thereby to the fuller enjoyment of human rights,

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced that in the light of the existing level of standard-setting in the field of human rights, the primordial task of the United Nations at present is to promote universal accession to the existing international instruments and better implementation of them by all the States parties,

Welcoming the international and national initiatives already undertaken in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, and commending the efforts of individuals in all regions of the world to promote the Universal Declaration,

1. Requests the High Commissioner for Human Rights to continue to coordinate within the United Nations system the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions of the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess progress made in the field of human rights since the adoption of the Universal Declaration, to identify obstacles to progress in this area and ways in which they can be overcome, and to undertake additional efforts to develop programmes of education and information, with a view to disseminating the text and arriving at a better understanding of the universal message of the Declaration;

3. Also invites Governments to undertake, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, national programmes for its celebration and to ensure wide participation, including by

the public administration, national institutions, non-governmental organizations, academic circles and all elements of civil society;

4. Welcomes the proposal by the Government of Angola to host in 1998 the Organization of African Unity Member States Ministerial Conference on Human Rights in Africa, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights pursuant to resolution 1673 (LXIV) adopted by the sixty-fourth ordinary session of the Council of Ministers of the Organization of African Unity, and requests the Secretary-General of the United Nations to consider favourably requests from the General Secretariat of the Organization of African Unity or the host country relating to the organization of the Conference.

5. Emphasizes in this regard the primary importance of grass-roots initiatives in promoting, through education and the media, a human rights culture, and encourages all actors to pursue further activities, including the exchange of experiences on the promotion of human rights;

6. Urges those Governments that have not yet ratified the main human rights instruments that are based on the Universal Declaration of Human Rights to consider doing so, and calls on all Governments to implement fully their international obligations in the field of human rights;

7. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on how they might contribute to the preparations;

8. Urges the High Commissioner/Centre for Human Rights and the Department of Public Information to cooperate closely in the implementation of information activities leading up to and during the fiftieth anniversary of the Universal Declaration of Human Rights;

9. Calls upon relevant United Nations organs and agencies, in the light of the principles set forth in the Universal Declaration of Human Rights, to make, within their respective mandates and fields of action, an assessment of, and to put forward pertinent conclusions on, the state of implementation and the impact of existing international human rights instruments;

10. Invites relevant United Nations organs and agencies, in coordination with the High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

11. Encourages national institutions, such as human rights commissions, ombudsmen and others, to play a prominent role in the activities marking the fiftieth anniversary, and to give due regard to this issue at the next international workshop of national institutions;

12. Invites non-governmental organizations to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to Governments, national institutions, regional organizations and the High Commissioner for Human Rights;

13. Decides to review at its fifty-fourth session the state of the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights and to give the matter attention commensurate with its historical significance.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/36. Human rights and arbitrary deprivation of nationality

The Commission on Human Rights,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Recalling the provisions of other international human rights instruments, including article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights and articles 7 and 8 of the Convention on the Rights of the Child,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing,

and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic or religious grounds,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. Reaffirms the importance of the right to nationality of every human person as an inalienable human right;
2. Recognizes that arbitrary deprivation of nationality on racial, national, ethnic or religious grounds is a violation of human rights and fundamental freedoms;
3. Calls upon all States to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to nationality, and to repeal such legislation if it already exists;
4. Urges the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports;
5. Requests the Secretary-General to transmit the present resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to request their views thereon;
6. Decides to remain seized of this matter.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/37. Human rights and thematic procedures

The Commission on Human Rights,

Considering that thematic procedures established by the Commission with regard to the consideration of questions relating to the promotion and protection of all human rights have an important role among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with the thematic procedures,

Recalling all its resolutions on human rights and thematic procedures,

Recalling also recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action of the World Conference on Human Rights,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries and that have developed other forms of intensive cooperation with the thematic procedures;

2. Encourages all Governments to:

(a) Cooperate more closely with the Commission through the pertinent thematic procedures;

(b) Respond expeditiously to requests for information made to them through the thematic procedures so that the procedures may carry out their mandates effectively and, where appropriate, invite a thematic special rapporteur or working group to visit their countries;

(c) Consider follow-up visits designed to assist them with effective implementation of recommendations of the thematic special rapporteurs and working groups:

3. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

4. Invites the non-governmental organizations to continue their cooperation with thematic procedures, and to ascertain that the material provided falls under the mandate of these procedures and contains the required elements;

5. Invites the thematic special rapporteurs and working groups to:

(a) Make recommendations for the avoidance of human rights violations;

(b) Follow closely the progress made by Governments in their investigations carried out within their respective mandates;

(c) Continue close cooperation with relevant treaty bodies and country rapporteurs;

(d) Include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(e) Include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

6. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

7. Requests the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups, to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairpersons of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

8. Encourages the United Nations High Commissioner for Human Rights to strengthen further cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and

effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

9. Suggests that the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights consider how these mechanisms can make available information on the particular situation of individuals working for the promotion and protection of all human rights and fundamental freedoms and how their protection could be enhanced, taking into account the ongoing deliberations of the relevant working group of the Commission;

10. Requests the Secretary-General to:

(a) Issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) Present annually a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission on Human Rights;

11. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1998-1999, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX]

1997/38. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All

Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women and the four Geneva Conventions of 1949 for the protection of war victims;

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Commission resolution 1996/33 of 19 April 1996 and General Assembly resolution 51/86;

Mindful that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

1. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1997/28);

2. Urges all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

3. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

4. Encourages States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. Urges all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith;

6. Calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

7. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action and, in particular, of Part II, section B.5 relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

8. Stresses that under article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment acts of torture must be made an offence under domestic criminal law and that they are a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

9. Reminds Governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even to torture;

10. Stresses in particular that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts should obtain redress and be awarded fair and adequate compensation and appropriate socio-medical rehabilitation;

11. Emphasizes the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

12. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

13. Welcomes the report of the Committee against Torture on its fifteenth and sixteenth sessions (A/51/44);

14. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

15. Urges States parties to take fully into account the conclusions and recommendations made by the Committee at the end of the consideration of their reports;

16. Requests the Secretary-General to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

17. Requests the General Assembly, in preparing the fiftieth anniversary of the Universal Declaration of Human Rights, to proclaim 26 June a United Nations international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the Convention against Torture, which entered into force on 26 June 1987;

18. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1997/7 and Add.1-3);

19. Stresses again the recommendations of the Special Rapporteur as compiled in document E/CN.4/1995/34;

20. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

21. Invites the Special Rapporteur to continue to examine questions concerning torture directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their effectiveness and mutual cooperation;

22. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and to make appropriate recommendations concerning the prevention of such torture;

23. Approves the methods of work employed by the Special Rapporteur as set out in his report (E/CN.4/1997, annex), in particular with regard to

urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and the comments of all concerned, including Governments, in the elaboration of his report;

24. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

25. Calls on all Governments to cooperate with and assist the Special Rapporteur on torture in the performance of his task, to supply all necessary information requested by him and to react appropriately to his urgent appeals;

26. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

27. Encourages all Governments to give serious consideration to inviting the Special Rapporteur to visit their countries, so as to enable him to fulfil his mandate even more effectively;

28. Calls upon the Special Rapporteur to continue to consider including information in his report on the follow-up by Governments to his recommendations, visits and communications;

29. Invites the Special Rapporteur to submit a report to the Commission at its fifty-fourth session;

30. Takes note of the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1997/27 and Add.1 and A/51/465);

31. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

32. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

33. Appeals to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund, if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

34. Stresses the need for contributions to the Fund on a regular basis and takes note of the request of the Board of Trustees that such contributions be paid before the annual meeting in May of the Board of Trustees of the Fund in order, inter alia, to prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role;

35. Stresses in particular the increasing demand for assistance to rehabilitation services for victims of torture;

36. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

38. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-fourth session and present an updated assessment of the global need for international funding of rehabilitation services for torture victims;

39. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

40. Urges States parties whose arrears predate the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

41. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

42. Decides to continue to consider their questions at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. VIII.]

1997/39. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Noting with concern that many serious situations of internal displacement do not receive sufficient attention and response,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, of international humanitarian law and analogous refugee law,

Recalling the emphasis in the Vienna Declaration and Programme of Action on the need to develop global strategies to address the problem of internal displacement,

Bearing in mind General Assembly resolutions 49/169 of 23 December 1994 and 50/195 of 22 December 1996 and, in particular, the call by the General Assembly on the Commission to consider the question of establishing an appropriate legal framework for the internally displaced, on the basis of the report of the representative of the Secretary-General,

Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Welcoming the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department of Humanitarian Affairs and the World Food Programme as well as the International Committee of the Red Cross and other relevant international and regional organizations and agencies,

Reaffirming the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities is essential in emergency situations where the Government of the country concerned is

unable to discharge its normal responsibilities, and welcoming in this context the establishment, by the Inter-Agency Standing Committee, of the Task Force on Internally Displaced Persons,

Welcoming the decision by the Inter-Agency Standing Committee to invite the representative of the Secretary-General to participate in its relevant meetings, as well as in its Task Force, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 1996/52 of 19 April 1996,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1997/43 and Add.1);

2. Commends the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. Expresses its appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the efforts of the representative;

4. Encourages the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

5. Recalls the compilation and analysis of legal norms submitted by the representative of the Secretary-General, which concludes that while present international law covers many aspects of particular relevance to internally displaced persons, there are several significant areas in which the law fails to provide sufficient protection;

6. Encourages the representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to develop a comprehensive framework for the protection of internally displaced

persons and takes note of his preparations for guiding principles to this end, and requests the representative to report thereon to the Commission at its fifty-fourth session;

7. Emphasizes the need for better implementation of existing international law applicable to internally displaced persons;

8. Requests the Secretary-General to ensure the rapid publication, in all the United Nations working languages, and its wide dissemination, of the compilation and analysis of legal norms submitted by his representative and encourages Governments to translate it into other languages;

9. Welcomes the specific attention paid by the representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to address these needs;

10. Thanks Governments which have invited the representative of the Secretary-General to visit their countries and invites them to give due consideration, in their dialogue with the representative, to his recommendations and suggestions and to make available information on measures taken thereon;

11. Calls upon all Governments to facilitate the activities of the representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the representative;

12. Commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons, and looks forward to the comprehensive study being prepared by him and to the recommendations therein;

13. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department for Humanitarian Affairs, the World Food Programme, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations to further enhance their collaboration by developing frameworks of cooperation to promote protection, assistance and development for internally displaced persons;

14. Urges these organizations, especially through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, to

continue to focus on problems relating to and solutions for internally displaced persons, including the setting up of a more comprehensive and coherent system of collecting data on their situation and to strengthen their collaboration with the representative of the Secretary-General;

15. Welcomes the initiatives undertaken by regional organizations, such as the Organization for Security and Cooperation in Europe, the Organization of African Unity and the Organization of American States, to address the assistance, protection and development needs of internally displaced persons, and encourages them to strengthen these activities and their cooperation with the representative;

16. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the representative of the Secretary-General;

17. Calls upon the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in his report to the Commission information on their implementation;

18. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

19. Decides to continue its consideration of the question at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/40. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1995/50 of 3 March 1995, General Assembly resolution 50/176 of 22 December 1995 and Commission on Human Rights resolution 1996/50 of 19 April 1996,

Welcoming the rapidly growing interest shown worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to that resolution,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace (A/CONF.177/20), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Recalling that, at the World Conference on Human Rights, representatives of national institutions who attended as observers played a positive and constructive role in the deliberations of the Conference,

Welcoming the strengthening of regional cooperation amongst national human rights institutions, including the North and Latin American regional meeting in Mexico in April 1996 and the agreement reached at the first Asia-Pacific Regional Workshop of National Human Rights Institutions, held in Darwin, Australia, in July 1996, to establish an Asia-Pacific Regional Forum of National Human Rights Institutions, open to all regional national institutions established in conformity with the Principles relating to the status of national institutions,

Also welcoming the second European regional meeting of national institutions in Copenhagen in January 1997, which established a coordination group with the aim of strengthening national institutions in Europe and in countries of the Commonwealth of Independent States, and commending the High Commissioner/Centre for Human Rights for supporting the meetings in Darwin and Copenhagen,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken a constructive part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the decisions announced recently by a growing number of States, to establish, or consider establishing, national institutions for the promotion and protection of human rights;

4. Encourages all Member States to take appropriate steps to promote the exchange, in particular by national institutions, of information and experience concerning the establishment and operation of national institutions;

5. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions as widely as possible, and calls upon the Secretary-General to undertake this task;

6. Reaffirms the role of national institutions, where they exist, as appropriate agencies inter alia for the dissemination of human rights materials and other public information activities, including those of the United Nations;

7. Urges the Secretary-General to continue to give a high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the programme of advisory services and technical assistance in the field of human rights;

8. Commends the recently intensified activities of the High Commissioner/Centre for Human Rights in promoting and strengthening national institutions, including through the work of the Special Adviser to the High Commissioner on National Institutions, Regional Arrangements and Preventative Strategies;

9. Requests the High Commissioner/Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to continue to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them;

10. Encourages the High Commissioner/Centre for Human Rights to ensure that appropriate arrangements are made and resources provided from within existing resources to continue and further extend the intensified activities in support of national human rights institutions and invites Governments to contribute additional, earmarked funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for this purpose;

11. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

12. Takes note of the role of the Coordinating Committee created by national institutions, as recognized in Commission on Human Rights resolution 1994/54, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

13. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the High Commissioner/Centre for Human Rights;

14. Also requests the Secretary-General to continue to provide, from within existing resources and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

15. Takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1997/41), and notes the corresponding recommendation therein;

16. Considers it appropriate for national institutions which conform with the Principles relating to national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies, requests the Secretary-General to submit to the Commission as soon as possible a report containing options for arrangements to implement this so that the Commission can resolve this question at its fifty-fourth session, and considers that appropriate practices should be continued in the interim to provide for their participation;

17. Reiterates its request to the Secretary-General to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico during 1997;

18. Welcomes the decisions to hold the second Asia-Pacific regional workshop of national institutions, the second regional meeting of African national institutions and the third regional meeting of European national institutions within the next year;

19. Invites Governments and intergovernmental organizations to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

21. Requests the Secretary-General to report to the Commission at its fifty-fourth session on the implementation of the present resolution;

22. Decides to continue its consideration of this question at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/41. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the principles and purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner for Human Rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and

recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1997/36), which contains, inter alia, a comprehensive review of the relevant programmes of information and publication undertaken by the High Commissioner and by the Department of Public Information;
2. Appreciates the measures taken by the Department of Public Information and the High Commissioner/Centre for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;
3. Urges the High Commissioner/Centre for Human Rights and the Department of Public Information to cooperate closely in the realization of the information and publication programmes in the field of human rights, including the implementation of the new information strategy and the relevant preparatory work for the fiftieth anniversary of the Universal Declaration of Human Rights;
4. Encourages the High Commissioner/Centre for Human Rights to continue the development of training courses and materials such as targeted training manuals for professional audiences, referred to in the report of the Secretary-General;
5. Welcomes the establishment of an Internet site by the High Commissioner for Human Rights and encourages the High Commissioner/Centre for Human Rights to make available in a timely fashion on the website United Nations documents and publications as well as databases for the promotion of human rights, in the official languages of the United Nations, and encourages the efforts of the Department of Public Information with respect to computer-accessible information on human rights;
6. Urges the Department of Public Information, in cooperation with the High Commissioner/Centre for Human Rights, to utilize fully and effectively United Nations information centres for the purpose of

disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms, in the official languages of the United Nations;

7. Urges the Department of Public Information to produce, in cooperation with the High Commissioner/Centre for Human Rights, information material, in particular audio-visual material, on all aspects of human rights in connection with the World Public Information Campaign for Human Rights, the fiftieth anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, in the preparation of public information activities for the fiftieth anniversary of the Universal Declaration of Human Rights and in the activities relating to the United Nations Decade for Human Rights Education;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, including considering the creation of national committees for the fiftieth anniversary of the Universal Declaration of Human Rights and for the United Nations Decade for Human Rights Education, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Encourages all Member States to develop specific programmes and strategies for ensuring the widest human rights education and dissemination of public information and, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights and to implement a gender perspective in accordance with the recommendations adopted by the World Conference on Human Rights and the Fourth World Conference on Women;

11. Calls upon the High Commissioner for Human Rights to coordinate and harmonize human rights information strategies within the United Nations system, in close cooperation with all relevant United Nations agencies and bodies;

12. Requests the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the High Commissioner/Centre for Human Rights and the Department of Public Information to implement fully their expanded publications programme;

13. Also requests the Secretary-General to submit to the Commission, at its fifty-fifth session, a report on public information activities, with special emphasis on the activities relating to the World Public Information Campaign for Human Rights and those for the fiftieth anniversary of the Universal Declaration of Human Rights, including information on expenditures incurred in the biennium 1996-1997 and those envisaged for the biennium 1998-1999;

14. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/42. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995 and 51/210 of 17 December 1996, as well as its own resolution 1996/47 of 19 April 1996,

Noting resolution 1996/20 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and noting its decision to have a working paper prepared on the question of human rights and terrorism to be considered by the Sub-Commission at its forty-ninth session,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and older persons, killed, massacred and maimed by terrorists,

Noting with great concern the growing connection between terrorist groups and increased organized crime, in particular the illegal traffic in arms and drugs,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law including international human rights standards,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism, and stressing that respect for human rights is and must be an essential component of such an effort,

1. Expresses its solidarity with the victims of terrorism;
2. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;
3. Condemns incitement of ethnic hatred, violence and terrorism;
4. Calls upon States to take all necessary and effective measures, in strict conformity with international law including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;
5. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;
6. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups, in their forthcoming reports to the Commission;
7. Requests the Secretary-General to continue to collect information on the human rights implications of terrorism and of the fight against terrorism on the full enjoyment of human rights from all relevant resources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and the Commission on Human Rights for their consideration;

8. Decides to continue consideration of the question at its fifty-fourth session as a matter of priority.

57th meeting

11 April 1997

[Adopted by a roll-call vote of 28 votes to none,
with 23 abstentions. See chap. IX.]

1997/43. Integrating the human rights of women throughout
the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its previous resolutions on the subject,

Recalling also that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 41/... on mainstreaming a gender perspective in all policies and programmes of the United Nations system, adopted by that Commission at its forty-first session,

Bearing in mind that, in the Platform for Action, the Fourth World Conference on Women called on all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

Reiterating the need for States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/40);
2. Concerned that implementation of the relevant recommendations of the Vienna Declaration and Programme of Action and the Beijing Platform for Action remains far from the objectives set forth in the two documents and, therefore, calls once again for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;
3. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women and welcomes in this regard the initiative of the High Commissioner to undertake a comprehensive review of the technical cooperation programme from a gender perspective;
4. Also encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;
5. Welcomes, in this regard, the paper ¹ prepared by the United Nations Development Fund for Women for the meeting of the special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights held from 28 to 30 May 1996 ² and the description therein that gender-specific reporting and analysis is an examination of the effects of gender on the form which a human rights violation takes, the circumstances in

¹E/CN.4/1997/131, annex.

²See E/CN.4/1997/3.

which a particular violation occurs, the consequences for the victim, and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology including sources of information and gender-specific analysis in conclusions and recommendations;

6. Calls for the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women through, inter alia, regular inter-secretariat cooperation to ensure that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women reflects all aspects of work under way and identifies where obstacles/impediments exist and areas for further collaboration, and requests that this plan be made available to the Commission on Human Rights at its fifty-third session and to the Commission on the Status of Women at its forty-second session;

7. Recognizes that the success of mainstreaming women's rights will depend on the formalizing, at the highest levels, of a clear policy and guidelines on the integration of a gender perspective into the United Nations human rights system, and draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes;³

8. Welcomes the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, including such initiatives as the round table on human rights approaches to women's health with a focus on reproductive and sexual health rights, organized jointly by the United Nations High Commissioner/Centre for Human Rights, the Division for the Advancement of Women and the United Nations Population Fund;

9. Affirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective and in order to do so, the recommendations contained in the report of the Secretary-General should be given due consideration, in particular to:

(a) Develop gender-sensitive guidelines to be used in the review of States parties' reports;

³E/CN.4/1996/105, annex.

(b) Develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) Incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations with a view to the preparation of general comments which reflect a gender perspective;

(d) Incorporate a gender perspective into concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

10. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

11. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully take into account the gender aspects of their work, and, in particular, encourages the Centre for Human Rights to undertake a systematic review of its information and training materials, including materials relating to the conducting of field operations, with a view to revising such materials where necessary in order to ensure the integration of a gender perspective and to bear in mind the need for expertise in the human rights of women in the recruitment of staff;

12. Welcomes the exchange of information between the United Nations High Commissioner/Centre for Human Rights and non-governmental organizations, and calls for continued cooperation between the two on integrating the human rights of women;

13. Draws attention to the need to give due consideration to the human rights of women and the girl child in the preparations for the five-year

review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

14. Renews its call to the United Nations High Commissioner for Human Rights to ensure the availability of expertise on gender issues and the human rights of women in order to provide advice to him/her on integrating the human rights of women throughout the Centre for Human Rights and to liaise with other relevant United Nations bodies in this regard;

15. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-fourth session;

16. Decides to continue its consideration of the question at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/44. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, as well as subsequent resolutions on the elimination of violence against women,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20), such as those on violence against women, women and armed conflict and the human rights of women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4), and encourages her in her future work;

2. Commends the Special Rapporteur for her analysis of violence in the family and violence in the community;

3. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of

violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

4. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

5. Encourages those States participating in the drafting of the statute of the International Criminal Court to give full consideration to integrating a gender perspective;

6. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

7. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms;¹

8. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

9. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family and in the community, and calls on States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data,

¹E/CN.4/1997/47/Add.4, annex.

whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To cooperate with all other competent mechanisms in the United Nations system in relation to violence against women;

(d) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(e) To take action to eradicate violence in the family and violence in the community, for example through formulating national plans of action;

(f) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's recommendations;

(g) To enact and/or enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational and police and immigration personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To enact and/or enforce legislation, and to amend penal codes where necessary, to ensure effective protection against rape, sexual harassment and all other forms of sexual violence against women and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(j) To consider taking measures to implement the recommendations of the Special Rapporteur;²

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully

²See E/CN.4/1997/47.

implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

12. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

13. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

14. Requests the Special Rapporteur to report annually to the Commission on Human Rights beginning at the fifty-fourth session on activities relating to her mandate;

15. Encourages the Special Rapporteur to examine and compile information on existing international human rights, humanitarian and other standards and instruments relating to trafficking of women and girls, in dialogue with Governments, inter-governmental organizations and non-governmental organizations;

16. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights;

17. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-second session to assist in the Commission's work in the area of the human rights of women and violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

18. Decides to continue consideration of the question as a matter of high priority at its fifty-fourth session.

57th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]



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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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1997/45. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fifth workshop on regional human rights arrangements in the Asian and Pacific region held in Amman from 5 to 7 January 1997, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fifth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1996/64 of 23 April 1996;

2. Also welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta

from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Reaffirms, in accordance with the Amman workshop conclusions, that all human rights, civil and political, economic, social and cultural, including the right to self-determination of people under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu;

7. Recognizes the need to develop strategies for the promotion and progressive realization of the right to development and to eliminate obstacles in this regard;

8. Endorses the conclusions of the fifth workshop, including the recognition of the importance of step-by-step progress towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region, which must emerge from and be directed to the needs and priorities set by Governments of the region;

9. Welcomes the hosting for the first time of a workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in West Asia, and recognizes the need to ensure that the

issues, concerns and priorities of West Asia will continue to be effectively addressed in future workshops;

10. Also welcomes the invitation of the Islamic Republic of Iran to host the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region in Tehran;

11. Notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing and welcomes, in this respect, the establishment of the Asia-Pacific Forum of National Human Rights Institutions;

12. Also notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

13. Further notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions and welcomes the establishment, in this regard, of a national commission of human rights by the Government of Sri Lanka;

14. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

15. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fifth workshop;

16. Also encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to further strengthen national human rights capacities;

17. Requests the Secretary-General to give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights and recognizes the contribution of the technical cooperation programme of the Centre for Human Rights in facilitating

the development of regional arrangements and other technical cooperation activities in the region;

18. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

19. Stresses that the regional cooperation programme could focus, inter alia, upon the request of Governments concerned, on strengthening the role of national human rights institutions in promoting the realization of all human rights, including, in particular, economic, social and cultural rights; realizing the right to development; developing methodologies for effective implementation of human rights education; elaborating guidelines for national action plans in the field of human rights; and developing strategies for cooperation on common problems, which should be implemented by drawing upon the expertise within the region to the fullest extent;

20. Also stresses, in accordance with the conclusions of the Amman workshop and the assurances of the High Commissioner for Human Rights, that the Centre's technical cooperation programme and the United Nations human rights monitoring will remain separate activities;

21. Requests the Secretary-General and the United Nations Development Programme to support this regional technical cooperation initiative and to provide resources for its implementation;

22. Also requests the Secretary-General, in accordance with the conclusions of the fifth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations, to:

- (a) Ensure the effective preparation of the next workshop;
- (b) Design a regional technical cooperation programme to facilitate the development of regional arrangements;

23. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical

Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

24. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

25. Also encourages the ratification, by all States, of international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

26. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

27. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

28. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

58th meeting

11 April 1997

[Adopted without a vote. See chap. IX.]

1997/46. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1996/55 of 19 April 1996,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the High Commissioner for Human Rights, according to his mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1997/86) on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in the field of human rights to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the High Commissioner for Human Rights to develop further the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the human rights programme, and notes in this regard that, in order to produce lasting results, monitoring and preventive activities may need to be

accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to apply more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the technical cooperation programme, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

7. Also welcomes recent efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

8. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication, and requests the High Commissioner to explore yet further possibilities for cooperation with specialized agencies and other organizations of the United Nations system, as well as non-governmental organizations;

9. Encourages in particular the cooperation between the High Commissioner/Centre for Human Rights and the United Nations Development Programme, with a view to integrating the promotion of all human rights, the rule of law and democracy into the country programmes of the United Nations Development Programme and working together in the execution of projects;

10. Invites relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

11. Notes with concern that in the current biennium the budgetary resources for technical cooperation in the field of human rights have decreased by half as compared with the previous biennium, and requests the Secretary-General to allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, more human and financial

resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

12. Expresses its appreciation for the contributions made to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

13. Requests the Secretary-General, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

14. Requests the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

15. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

16. Requests the Secretary-General to continue to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

17. Also requests the Secretary-General to submit an analytical report to the Commission on Human Rights at its fifty-fourth session on the progress and concrete achievements made as well as obstacles encountered in the

implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Trust Fund for Technical Cooperation in the Field of Human Rights.

58th meeting

11 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/47. Assistance to Somalia in the field of human rights

The Commission on Human Rights.

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1996/57 of 19 April 1996, in which it invited the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and the prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems but, as stated by the independent expert, that the international community should not abandon them in this tragic period of their national history,

Noting with appreciation the efforts of concerned countries and organizations, in particular the Organization of African Unity, the Intergovernmental Authority on Drought and Development, the League of Arab States and the Organization of the Islamic Conference, to promote a direct political dialogue,

Affirming the need for a peaceful process leading to the disarming of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence against women and children, and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploping continued attacks, acts of reprisal, abductions and other acts of violence committed against personnel of humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact that the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that, under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil her mandate as envisioned by the Commission,

Believing nonetheless that the High Commissioner/Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note with appreciation of the report of the independent expert (E/CN.4/1997/88 and Corr.1) and in particular of its conclusions and recommendations;
2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;
3. Strongly urges all parties in Somalia to respect human rights and international humanitarian law pertaining to internal armed conflict, to support, as recommended by the independent expert, the re-establishment of the

rule of law throughout the country, in particular by applying internationally accepted criminal justice standards, and to protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon regional organizations and concerned countries to continue and intensify the efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

5. Calls upon individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

6. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical assistance through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in discussing her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical assistance;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue consideration of the question at its fifty-fourth session under the same agenda item.

58th meeting
11 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/48. Assistance to States in strengthening the rule of law
The Commission on Human Rights.

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights and should continue to attract the attention of the international community,

Convinced also that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1996/56 of 19 April 1996 and General Assembly resolution 51/96 of 12 December 1996,

1. Takes note with satisfaction of the report of the Secretary-General to the General Assembly (A/51/555), submitted in conformity with Assembly resolution 50/179 of 22 December 1995;
2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services

and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial

means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

11. Takes note with appreciation of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes in order to analyse means, modalities, financing and allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

12. Decides to continue its consideration of the question of assistance to States in strengthening the rule of law at its fifty-fifth session in the light of the report to be submitted by the Secretary-General to the General Assembly at its fifty-second session pursuant to Assembly resolution 51/96 as well as any relevant information that might be provided by the High Commissioner on Human Rights on this matter.

58th meeting

11 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/49. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively, within existing resources, to assist efforts to investigate Cambodia's tragic recent history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Commending the ongoing efforts of the office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia,

Welcoming and encouraging the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1997/84);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia in March 1996 to allow the office of the Centre

for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1997/85), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;

5. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, especially in establishing a mechanism through its National Assembly Commission on Human Rights and Receipt of Complaints for investigating alleged human rights violations, the adoption of the new labour law, and in the area of human rights education;

6. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Notes with serious concern the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

9. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the Government of Cambodia, as a matter of critical and urgent priority, to

address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants which in effect places the military and police and other government officials above the principle of equality before the law;

10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. Welcomes the efforts by the Government of Cambodia to promote peace, strongly urges the remaining Khmer Rouge to cease fighting, reiterates concern about serious abuses committed by remaining Khmer Rouge, including the taking and killing of hostages, and demands that any hostages be released immediately;

12. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

13. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed at political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

14. Strongly condemns the violence in Phnom Penh on 30 March 1997 on participants of a peaceful and lawful opposition rally exercising their democratic rights and which resulted in numerous deaths and injuries, and calls upon the Government of Cambodia to take immediate and effective measures to uphold the rule of law in order to prevent the recurrence of such an outrage and to bring the perpetrators to justice;

15. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

16. Welcomes the proposed measures outlined by the Government of Cambodia in its comments (A/51/453/Add.1) on the report of the Secretary-General to the General Assembly at its fifty-first session (A/51/453) to ensure that the forthcoming communal and national elections are free and fair, and emphasizes the need for the legislative framework for the elections to be agreed upon and adopted by the National Assembly, for the security forces to remain neutral during the election campaign, for free and equal access to the media, for the individual vote to be confidential, for local and international observers to be welcomed, and for all parties to agree to accept the outcome;

17. Strongly encourages the Government of Cambodia to establish an independent body to supervise the holding of the elections, to ensure that the elections are free and fair and to ensure that the Constitutional Council will be convened in order to resolve election disputes;

18. Requests the Secretary-General to consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia;

19. Commends the Government of Cambodia for its constructive approach to the inclusion of Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that the forthcoming elections are free and fair;

20. Urges the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

21. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

22. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies and welcomes the submission of Cambodia's second report to the Committee on the Elimination of Racial Discrimination (CERD/C/292/Add.2), and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

23. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

24. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

26. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to ban all anti-personnel landmines;

27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

28. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session, under the agenda item entitled "Advisory services in the field of human rights".

58th meeting

11 April 1997

[Adopted without a vote. See chap. XVIII.]
